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14 Attorneys for Defendants
15 UBER TECHNOLOGIES, INC.; RASIER, LLC;
RASIER-CA, LLC

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

19
20 A WHITE AND YELLOW CAB, INC.,
21 Plaintiff,
22 vs.
23 UBER TECHNOLOGIES, INC., et al.,
24 Defendants.

Case No. 4:15-05163-JSW

**UBER TECHNOLOGIES, INC.,
RASIER, LLC, AND RASIER-CA, LLC'S
NOTICE OF HEARING ON MOTION
TO DISMISS AND MOTION TO
STRIKE PORTIONS OF COMPLAINT;
MOTION TO STRIKE PORTIONS OF
COMPLAINT**

Date: June 3, 2016
Time: 9:00 a.m.
Cttrm: 5
Judge: Hon. Jeffrey S. White

Trial Date: N/A

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that, pursuant to the Court's Order extending time for
 3 responsive pleadings (ECF No. 17), on June 3, 2016 at 9:00 a.m., or as soon thereafter as
 4 the matter may be heard, in Courtroom 5, 2nd Floor, 1301 Clay Street, Oakland, CA
 5 94612, before the Honorable Jeffrey S. White, Defendants Uber Technologies, Inc., Rasier,
 6 LLC, and Rasier-CA, LLC will and hereby do move the Court for an order dismissing the
 7 first, second, fourth and fifth claims for relief of Plaintiff's Complaint, and an order striking
 8 the portions of Plaintiff's Complaint identified in the following Motion To Strike.

9 The motion to dismiss is made under Federal Rules of Civil Procedure,
 10 Rule 12(b)(1) on the ground that the Court lacks jurisdiction to adjudicate Plaintiff's claims
 11 due to the California Public Utilities Commission's exclusive jurisdiction of such matters
 12 under Cal. Pub. Util. Code §§ 1759 and 1756(a), and Rule 12(b)(6) on the ground that
 13 Plaintiff has failed to state a claim upon which relief can be granted.

14 The motion to strike is made under Federal Rules of Civil Procedure, Rule 12(f) on
 15 the ground that the Court may strike out any redundant, immaterial, or impertinent matter
 16 inserted in a pleading. The matters to be stricken are set forth in more detail in the
 17 following Motion To Strike.

18 In the alternative, Defendants will and hereby do move for a more definite statement
 19 of pleading under Federal Rules of Civil Procedure, Rule 12(e).

20 The motion to dismiss and motion to strike are based on this Notice, the
 21 accompanying Motion To Strike, Memorandum Of Points And Authorities, Request For
 22 Judicial Notice, Declaration Of Kamran Javandel, all other pleadings and papers on file in
 23 this action, and all further argument and documents presented before or at the hearing.

24 Defendants made a good faith effort to meet and confer with Plaintiff's attorney to
 25 avoid or reduce the issues presented by this motion. *See* Javandel Declaration.

26 **MOTION TO STRIKE**

27 Pursuant to Fed. R. Civ. P. 12(f), Defendants Uber Technologies, Inc., Rasier, LLC,
 28 and Rasier-CA, LLC hereby move to strike the portions of the Complaint which contain

1 redundant, immaterial, or impertinent matters. The specific allegations which Defendants
2 move to strike are set forth verbatim below:

3 1. Prayer for Relief, Paragraph 2, page 43, lines 17-19, which states: “For
4 restitution of UBER receipts of A TAXI’s vested property interests in approximately 20%
5 of UBER’s receipts from its *de facto* taxicab operations in the City of Anaheim.”

6 2. Prayer for Relief, Paragraph 11, page 44, lines 15-18, which states: “For
7 restitution of UBER receipts of A TAXI’s vested property interest in approximately 20%
8 of UBER’s receipts from its *de facto* taxicab operations in the City of Anaheim, by which
9 UBER was unjustly enriched to the detriment of A TAXI.”

10 Dated: March 4, 2016

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

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12 By: /s/ Marshall C. Wallace

13 MARSHALL C. WALLACE
14 Attorneys for Defendants
15 UBER TECHNOLOGIES, INC.;
16 RASIER, LLC; RASIER-CA, LLC
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